THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2411 of 2007

Dated: 16-03-2007

Between:

U. Narsing Rao and others.

..... PETITIONERS

AND

The Mandal Revenue Officer, Serilingampally, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2411 of 2007

ORDER:

The petitioners allegedly purchased house sites comprised in 124 situated at Gopanapally Village, Serilingampally Mandal, Ranga Reddy District, admeasuring various extents under different registered sale deeds from different persons. They allege that after purchasing the land, in third week of march, 2006, they constructed compound walls to protect house sites. On 13.09.2006, first respondent demolished the compound walls and portions of their houses in highly arbitrary manner. They state that the revenue officials are claiming the land as the Government land and without any notice or due process, resorted to demolition. Therefore, apart from seeking a writ of Mandamus declaring the said action as illegal, they also seek a direction to the respondents to maintain *status quo* and stay of further demolition.

This Court heard the preliminary arguments on 09.02.2007. Having regard to the serious nature of the allegations made against the revenue officials, this Court directed the learned Assistant Government Pleader for Revenue (General-T) to file a counter-affidavit. First respondent has filed a counter-affidavit. The title of the vendors of the petitioners in respect of land in survey No.124 is denied. It is stated that land in said survey number totally admeasuring Acs.279.38 gts is Government poramboke as per the Pahanies from 1950-1951 to 1953-1954 and that the vendors of the petitioners have no title. The land was never assigned to any persons much less to the vendors of the petitioners. The petitioners are trying to encroach upon the land. In the counter-affidavit, a reference is also made to the order of this Court dated 04.12.2006 in W.P.No.19567 of 2006 wherein this Court observed that as the land belongs to the Government, it shall be open to the claimants to avail appropriate remedy and that it shall also be open to the revenue officials to recover possession following due process of Law.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-T), this Court is of the considered opinion that as there is dispute regarding the land in survey No.124, this Court is not inclined to decide the same. If the petitioners are in possession of the land, they have to be evicted only by due process of Law and if they seek declaration of title, they have to approach civil Court.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

16th March, 2007
ghn